

REMARKS

Amendment to the Specification

The title has been amended in response to the request from the Examiner to do so.

Amendments to the Drawings

The drawings are now arranged in consecutive order, and include the proper margins and font size. No new matter has been added.

Claim Objections

Claims 51-60 and Claims 69-78 are pending and were renumbered by the Examiner. Of these, Claims 52-60 and 70-78 are being amended herewith to give them the correct dependency, as requested by the Examiner.

Claims 61-68, which correspond to Claims 16-23 presented in the Second Preliminary Amendment of July 12, 2002, were not elected in the May 5, 2003 Response to Requirement for Restriction, and are presumably withdrawn from consideration.

Claim Rejections

Applicants note for the record that the pending application is a divisional application that was filed on May 23, 2001, and so the changes made to 35 USC 102(e) by the American Inventors Protection Act of 1999 (AIPA) do in fact apply to the examination of this application.

Claims 51-60, 69-78, and 79-83 were rejected by the Examiner under 35 USC 102(e) as being anticipated by US Patent 5,592,664 to Starkey (of Borland International Inc.). Applicants respectfully disagree that Starkey teaches or renders obvious the subject matter claimed in the pending application.

Starkey is generally concerned with the monitoring of individual database events and triggering notifications in response to an individual database event, and as such, is concerned with looking for changes made to a database.

Applicants, on the other hand, have disclosed systems and methods in which an accumulation of events leads to the formation of a network of facts, and in which information is reported to users, or inferences are made about users, *in view of user activity*. Preferred implementations of the Applicants' invention are related to understanding user behavior, and are not just about collecting facts divorced from user behavior. A user is notified when *interrelated facts* add up.

The Examiner rejected independent Claim 79, arguing that Starkey discloses “ ‘a dynamic user model for storing facts, the stored facts being accessible by the agents’ as a dynamic shared memory for storing event table...” Starkey does indeed use the word “dynamic” when teaching that the “contents of this memory are dynamic as they represent the current state of each application...” (col. 7, lines 20-21). However, the “dynamic memory” or “dynamic database” of Starkey should not be confused with the “dynamic user model” of Applicants' invention. Quoting from p. 20, lines 8-11 of the present application:

The user model is referred to as “dynamic” because new fact nets are constantly being created by new *user activity*, and existing fact nets are constantly evolving in the direction of *recognizable probable user interests* of a reasonable degree of confidence. (emphasis added)

Starkey does not teach or disclose the use of a “dynamic user model” as defined by Applicants (see pages 20 and 21 of the pending application). Accordingly, Applicants believe that Claim 79 should be allowed. In addition, Applicants believe that the subject matter of dependent Claims 80-83, in combination with the features of independent Claim 79 from which they depend, is also patentable.

The Examiner rejected independent Claim 51, arguing *inter alia* that Starkey discloses “gathering facts concerning user activity (col. 4, lines 26-50)” and “forming the gathered facts into fact nets (col. 4, lines 26-50)”. Applicants do not see any teaching related to “gathering facts concerning user activity” in Starkey, as recited in Claim 51, for example. In particular, there is no teaching regarding user activity in that portion of Starkey referred to by the Examiner. Likewise, Applicants do not find a teaching in Starkey regarding “fact nets”, which Applicants have defined on page 8, lines 22-25 of the present application:

Each fact net defines one or more evolving probable interests, based initially upon one or more primitive facts obtained by monitoring specific *user interactions* within the information processing system. (emphasis added)

Accordingly, Applicants believe that Claim 51 should be allowed. In addition, Applicants believe that the subject matter of dependent Claims 52-60, in combination with the features of independent Claim 51 from which they depend, is also patentable.

The Examiner rejected Claims 69-78 under Starkey as well. Claim 69 includes limitations directed to “gathering facts concerning user activity” and “fact nets”, which are not disclosed in Starkey, as discussed above. In addition, Claim 69 also includes a limitation directed to “means for identifying fact nets defining evolving probable user interests”. Starkey is also silent on the question of “evolving probable user interests”. Accordingly, Applicants believe that Claim 69 should be allowed. In addition, Applicants believe that the subject matter of dependent Claims 70-78, in combination with the features of independent Claim 69 from which they depend, is also patentable.

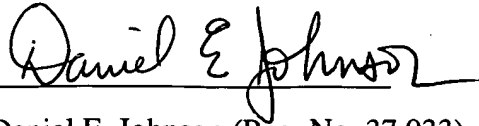
Summary

Applicants believe that all pending claims are in condition for allowance and request that they be allowed to issue. Further, Applicants request that the Examiner rejoin Claims 61-68 (the non-elected claims), amend Claims 62-68 as necessary to correct their dependencies, and allow these to issue as well.

The Examiner is invited to call applicants' undersigned attorney if a telephone conference will expedite the prosecution of this application.

Respectfully submitted,

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A handwritten signature in black ink, reading "Daniel E. Johnson", is written over a horizontal line.

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